

**PUBLIC MEETING  
June 8, 2010  
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioners Brown and Hunthausen were present. Others attending all or a portion of the meeting included Kelly Blake, Eric Bryson, Katie Jerstad, K. Paul Stahl, Heidi Heiser, Audra Zacherl, Debra Crider, Frank Rives, Larry Hoffman, Mark Simonich, Meryl Huso, Tim Rundal, John Palmquist, Don Hulett, Nick Miller, Sarah Bauer, Chris Barry, Nancy Breden, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-198 Increasing the Private Pay Daily Room Rates at the Cooney Home. (Heidi Heiser)
- b. Resolution 2010-200 Ordering a Refund of Taxes/Fees/Assessments Paid by Barbara Coldiron in the Amount of \$16.23. (Cheryl Green)
- c. Resolution 2010-201 Ordering a Refund of Taxes/Fees/Assessments Paid by Michael Roberts and Shannon Heath in the Amount of \$30.69. (Cheryl Green)
- d. Resolution 2010-202 Ordering a Refund of Taxes/Fees/Assessments Paid by Sunshine Investments LLC in the Amount of \$967.46. (Cheryl Green)
- e. Resolution 2010-203 Ordering a Refund of Taxes/Fees/Assessments Paid by Bill Tipton and Janet Koenig in the Amount of \$141.89. (Cheryl Green)
- f. Resolution 2010-204 Ordering a Refund of Taxes/Fees/Assessments Paid by Jennifer Q. and Judy M. Roybal in the Amount of \$161.61. (Cheryl Green)
- g. Resolution 2010-205 Declaring County Property Surplus Property (Amy Reeves)
- h. Public Meeting Minutes for March 30, April 1, April 8, April 22, April 29 and May 13, 2010. (Carole Byrnes)
- i. Montana Noxious Weed Trust Fund – \$7,500 Special County/Reservation Noxious Weed Grant. (Larry Hoffman)

Eric Bryson reported on the consent action items and recommended approval.

No public comments were received.

Commissioner Hunthausen moved to approve the consent action items and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Commissioner Murray announced that the county is having a garage sale on June 18 at the Commissioner's Garage by the Courthouse on Breckenridge Street.

Bid Award. 2010 Road Striping Project. Audra Zacherl reported that it takes 5.25 gallons per one mile for a dashed line and 39 gallons per one mile for a double solid line. After review of both bids by the selection committee, staff recommended awarding the 2010 Road Striping contract to Arrow Striping & Manufacturing, Inc., Billings, with a

bid price per applied gallon of paint of \$16.31, and a mobilization cost of \$1,750.00. This project will consist of applying yellow and white road striping to include double centerline striping on approximately 45 miles of county road and shoulder line striping on approximately 30 miles of county road, and authorized the Chair to sign all applicable contract documents.

Commissioner Brown moved to accept the low bid as recommended by staff and authorized the Chair to sign all appropriate contract documents. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Bid Opening. Forestvale Cemetery Road Improvements - Phase II Paving. (Audra Zacherl) The project consists of improvements of approx. 448 square yards of asphalt pavement (3" PMS over existing base) approach roadway with approx. 452 linear feet curb and gutter and 1,868 sq. yards of access road (2.5: PMS over 3" of Crushed Aggregate Course) at the Forestvale Cemetery in Helena. The new roadway will generally be located along an existing gravel road west of McHugh Drive. The new roadway will include a new approach on McHugh, as well as three smaller intersections to access interior cemetery access roads.

Bid #1 - Helena Sand & Gravel, Helena. The bid has been signed. The bid security has been included.

Total base bid amount for the approach is \$12,544.00

Total amount for the access road, \$42,964.00

Total amount for the concrete curb and gutter, \$9,040

Total amount for miscellaneous work, \$3,500.00

Total base bid price of \$68,048.00.

Bid #2 - Gruber Excavating, Miles City. The bid has been signed. The bid security has been included.

Total amount for the approach is \$6,944.00.

Total amount for the access road, \$26,712.40.

Total amount for concrete curb and gutter, \$9,492.00

Total amount for miscellaneous work, \$20,500.00

Total base bid price, \$63,648.40.

Bid #3 - Construction Software Tech, Billings. No bid.

Commissioner Hunthausen moved to have Public Works staff as well as the board members from Forestvale Cemetery to take the bids under advisement and make a recommendation to award the bid on Tuesday, June 15. The motion carried 3-0.

Public Hearing. Proposed Subsequent Minor Subdivision, Amended Plat of Tract 4, Big Bend Subdivision. (Applicants: Donald and Barbara Hulett) (Planner: Frank Rives) The applicant's proposal would change the permitted use of Tract 4 of Big Bend Subdivision from open space/agricultural use to residential use. The applicant has requested lifting two restrictions placed by the original subdivision approval, (1) a no-

access restriction to prohibit access to York Road; and (2) a no-building restriction on tract 4. The size and boundaries of the existing 21.71 acre tract would not be changed. The lot would be developed with one single-family dwelling, individual, on-site wastewater treatment systems, and utilities. Access to the lot would be from an approach onto York Road. There is no parkland requirement. The applicant has requested a variance to waive fire protection water supply requirements.

Frank Rives presented the staff report. A written comment was distributed to the board. At the time this subdivision was originally platted tract 4 was set aside for "open space, agricultural and wildlife use." There is no designated approach for tract 4. The fire department's response to the variance request was included in the staff report. Covenants 5 and 17 and the plat would have to be amended in order to permit residential use for tract 4. Private covenants on the land restrict the use of land in the subdivision. Proposed building envelopes were reviewed and staff recommended that building envelope No. 3 be removed from consideration as a possible building site. Staff recommended approval of the proposed minor subdivision subject to the conditions contained in the staff report.

#### Public Comments -

Don Hulett, 5850 York Road. He would like to take care of the two variances so he can sell the property.

Sarah Bauer, Windermere Real Estate, 910 N. Last Chance Gulch. She listed the property for sale for the Huletts in 2009 and informed them the property was not saleable with the restrictions placed on it. She encouraged the commission to approve lifting the restrictions so the Huletts can move forward with selling it.

Merlyn Huso, Lakeview Ranch Owners' Association. Concerned about the drainage issue. The no-access restriction may have been placed on the road to limit heavy a traffic coming from the north end of the road.

To give the applicant sufficient time to review the staff report, Commissioner Brown moved to continue the public hearing and render a final decision on Thursday. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Frank Rives stated that the purpose of the drainage easement is for public health and safety because it is an area that is subject to flash floods during storm events.

Katie Jerstad discussed the regulations prohibiting development, alteration or encroachment within a drainage or utility easement.


Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. Commissioner Murray introduced Allison Maier, news reporter recently hired by the *IR*.

There was no other business, the meeting adjourned at 10:22 a.m.

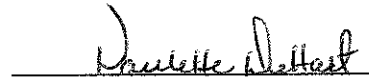
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael A. Murray, Chairman

  
Derek Brown

  
Andy Hunthausen

ATTEST:

  
Paulette DeHart, Clerk of the Board